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9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,)
)
12 Plaintiff,) Case No. 2:11-CR-444-PMP-PAL
)
13 v.)
)
14 OVIDIU ENE,)
)
15 Defendant.)

16 **MOTION FOR SUPPLEMENTARY PROCEEDINGS (EXAMINATION**
17 **OF JUDGEMENT DEBTOR)**

18 The United States of America, by and through Daniel G. Bogden, United States Attorney, and
19 Roger W. Wenthe, Assistant United States Attorney, moves this Honorable Court for an order requiring
20 defendant, Ovidiu Ene, to appear before a United States Magistrate Judge at a time and place to be set
21 by the court for examination supplementary to judgment pursuant to Rule 69 of Fed. R. Civ. P. and
22 N.R.S. 21.270.
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1 POINTS AND AUTHORITIES

2 The Federal Debt Collection Procedure Act ('FDCPA') is "the exclusive civil procedures for the
3 United States ... to recover a judgment on a debt." 28 U.S.C. § 3001(a) (1). A debt is an amount owed
4 "to the United States on account of ...[an]other source of indebtedness to the United States...." 28
5 U.S.C. § 3002(3)(B). A judgment is "a judgment ... entered in favor of the United States in a court and
6 arising from a ... criminal proceeding...." 28 U.S.C. § 3002(8). A criminal money judgment against a
7 defendant is a judgment entered as a debt in favor of the Government. *See* 28 U.S.C. § § 3001(a) (1),
8 3002(3)(B) and (8), 3201, and 3202(a). The creation, duration and renewal of judgment liens are part of
9 Subchapter C. *See* 28 U.S.C. § § 3201 and 3202(a). Since judgments include criminal money
10 judgments, the judgment lien is good for 20 years and can be renewed for another 20 years. *See* 28
11 U.S.C. § § 3002(8), 3201, and 3202(a).

12 Defendant's debt is a judgment upon which the United States can collect and use any and all
13 remedies identified in the FDCPA, including discovery as to the debtor's financial condition. *See* 28
14 U.S.C. § 3015.

15 CONCLUSION

16 Wherefore, the United States respectfully requests that this Court order a judgment debtor
17 examination of the defendant.

18 This motion is based upon the attached Declaration and the pleadings and papers on file herein.

19 DATED this 12th day of March, 2015.

20 DANIEL G. BOGDEN
21 United States Attorney

22 /s/ Roger W. Wenthe
23 ROGER W. WENTHE
24 Assistant United States Attorney
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STATE OF NEVADA)
)
COUNTY OF CLARK)

1. I am a Legal Assistant in the Financial Litigation Unit for the United States Attorney's Office, District of Nevada. I have custody of the records in this office pertaining to this collection matter.
2. Judgment was entered, for the plaintiff and against defendant on, December 1, 2014, for the sum of \$299,200.00, together with interest thereon from the date of judgment and court costs.
3. Ovidiu Ene resides within the jurisdiction of this Court.
4. The judgment has not been satisfied, vacated, reversed, or barred by the Statute of Limitations, and is one on which execution may properly issue.
5. The judgment remains unpaid.

/s/Kim Bush

Kim Bush
Legal Assistant
Financial Litigation Unit

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA
3

4 UNITED STATES OF AMERICA,)
5 Plaintiff,) Case No. 2:11-CR-444-PMP-PAL
6 v.)
7 OVIDIU ENE,)
8 Defendant.)

9
10 **AMENDED**
11 **ORDER FOR SUPPLEMENTARY PROCEEDINGS OF JUDGMENT**
12 **DEBTOR EXAMINATION**

13 On plaintiff's motion and good cause appearing, the defendant, Ovidie Ene, is hereby
14 Ordered to appear before the United States Magistrate in courtroom 3B, Lloyd D. George Federal
15 Courthouse, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101, on the 12th
16 day of May, 2015 at 11:30 a.m., to then and there answer upon oath concerning the property of the
17 defendant and for such other proceedings as there may occur consistent with proceedings supplementary
18 to execution.

19 It is further ordered that you, the defendant, bring to the hearing the following:

- 20 1. Your three most recent federal income tax returns with their attachments.
- 21 2. Copies of all personal and business financial statements concerning checking and
22 savings accounts for the past twelve months.
- 23 3. A copy of the titles to all you and your spouses' vehicles, automobiles, boats,
24 aircraft, etc.
- 25 4. Copies of your earnings statements (i.e. paychecks) for the past twelve months.
- 26 5. Copies of your bills for the past twelve months to verify statements on the
financial form.

1 It is further ordered that a copy of this order shall be served upon the defendant by
2 private process service at least seven (7) calendar days before the hearing scheduled herein.

3 Failure to appear may subject you, the defendant, to punishment for contempt of court.
4

5 DATED this 12th day of March, 2015.
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8 
9 United States Magistrate Judge

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11 SUBMITTED BY:

12 DANIEL G. BOGDEN
13 United States Attorney

14 /s/ Roger W. Wenthe
15 ROGER W. WENTHE
16 Assistant United States Attorney
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